

House Engrossed Senate Bill

State of Arizona
Senate
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 174

SENATE BILL 1178

AN ACT

AMENDING TITLE 36, CHAPTER 4, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 11;
RELATING TO HEALTH CARE INSTITUTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 36, chapter 4, Arizona Revised Statutes, is amended by adding article 11, to read:

ARTICLE 11. PATIENT SAFETY REPORTING AND
NONRETALIATORY POLICIES

36-450. Definitions

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "HEALTH PROFESSIONAL" HAS THE SAME MEANING PRESCRIBED IN SECTION 32-3201.

2. "PROFESSIONAL STANDARDS OF PRACTICE" MEANS PRACTICING WITHIN THE SCOPE OF LICENSURE.

3. "RETALIATORY ACTION" MEANS TERMINATION OF OR OTHER ADVERSE ACTION AGAINST A HEALTH PROFESSIONAL'S EMPLOYMENT TAKEN BY A HEALTH CARE INSTITUTION BECAUSE THE PROFESSIONAL HAS MADE A REPORT PURSUANT TO THIS ARTICLE.

36-450.01. Reporting procedures

A. EACH HEALTH CARE INSTITUTION LICENSED PURSUANT TO THIS CHAPTER SHALL ADOPT A PROCEDURE FOR REVIEWING REPORTS MADE IN GOOD FAITH BY A HEALTH PROFESSIONAL CONCERNING AN ACTIVITY, POLICY OR PRACTICE THAT THE HEALTH PROFESSIONAL REASONABLY BELIEVES BOTH:

1. VIOLATES PROFESSIONAL STANDARDS OF PRACTICE OR IS AGAINST THE LAW.
2. POSES A SUBSTANTIAL RISK TO THE HEALTH, SAFETY OR WELFARE OF A PATIENT.

B. THE PROCEDURE SHALL INCLUDE REASONABLE MEASURES TO MAINTAIN THE CONFIDENTIALITY OF THE IDENTITY OF A HEALTH PROFESSIONAL PROVIDING INFORMATION TO A HEALTH CARE INSTITUTION PURSUANT TO THIS SECTION.

36-450.02. Nonretaliatory policy

A. EACH HEALTH CARE INSTITUTION LICENSED PURSUANT TO THIS CHAPTER SHALL ADOPT A POLICY THAT PROHIBITS RETALIATORY ACTION AGAINST A HEALTH PROFESSIONAL WHO IN GOOD FAITH:

1. MAKES A REPORT TO THE HEALTH CARE INSTITUTION PURSUANT TO THE REQUIREMENTS OF SECTION 36-450.01.

2. HAVING PROVIDED THE HEALTH CARE INSTITUTION A REASONABLE OPPORTUNITY TO ADDRESS THE REPORT, PROVIDES INFORMATION TO A PRIVATE HEALTH CARE ACCREDITATION ORGANIZATION OR GOVERNMENTAL ENTITY CONCERNING THE ACTIVITY, POLICY OR PRACTICE THAT WAS THE SUBJECT OF THE REPORT.

B. THIS SECTION DOES NOT PROHIBIT A HEALTH CARE INSTITUTION LICENSED PURSUANT TO THIS CHAPTER FROM TAKING ACTION AGAINST A HEALTH PROFESSIONAL FOR A PURPOSE NOT RELATED TO A REPORT FILED PURSUANT TO SECTION 36-450.01.

C. EXCEPT AS PROVIDED IN SECTION 23-1501, PARAGRAPH 3, SUBDIVISIONS (a), (c) AND (d), THIS SECTION SHALL ONLY BE ENFORCED THROUGH THE PROVISIONS OF THIS CHAPTER.

D. THERE SHALL BE A REBUTTABLE PRESUMPTION THAT ANY TERMINATION OR OTHER ADVERSE ACTION THAT OCCURS MORE THAN ONE HUNDRED EIGHTY DAYS AFTER THE DATE OF A REPORT MADE PURSUANT TO EITHER SUBSECTION A, PARAGRAPH 1 OR 2 OF THIS SECTION IS NOT A RETALIATORY ACTION.

~~APPROVED BY THE GOVERNOR MAY 7, 2003.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 7, 2003.~~

Passed the House April 16, 20 03,

by the following vote: 41 Ayes,

15 Nays, 4 Not Voting

Jake Flake
Speaker of the House

Norman L. Moore
Chief Clerk of the House

Passed the Senate March 19, 20 03,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

Ken Bennett
President of the Senate

Chaimin B. B. B.
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

S.B. 1178

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

SENATE CONCURS IN HOUSE AMENDMENTS
AND FINAL PASSAGE

Passed the Senate May 1, 2003,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

Klu Blumett
President of the Senate
Chaimin Bellard
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

1 day of May, 2003,

at 3:07 o'clock P. M.

Sandra Chamurey
Secretary to the Governor

Approved this 7 day of

May, 2003,

at 10:35 o'clock A. M.

Jon Kyl
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 7 day of May, 2003,

at 4:09 o'clock P. M.

Janice K. Brewer
Secretary of State

S.B. 1178